

SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL

AUGUST 6, 2012

KENDALL-DEAN SCHOOL AUDITORIUM

7:00 P.M.

The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Zwolenski and Mrs. Charest. Mr. Yazbak had an excused absence and unable to attend due to him being out of town. Town Administrator Hamilton and Town Solicitor Nadeau were also in attendance.

Disclaimer

Mrs. Charest read the following disclaimer: "It is the Board's understanding that this meeting is being videotaped for future broadcast on cable television. Please be advised that this videotaping is being done by private citizens. It is not being done on behalf of the Town of North Smithfield, nor is the Town of North Smithfield in any way sponsoring or affiliated with it. It is not a public record. The Town of North Smithfield especially disclaims any liability for the contents or the accuracy thereof. Any video tape of this meeting or any other use of said video tape or other recording and the contents thereof are solely the responsibility of the parties doing this videotaping."

PUBLIC HEARING RE: ZONING ORDINANCE AMENDMENT –

SECTION 6. SUPPLEMENTARY DISTRICT REGULATIONS, PARKING AND LOADING

Mr. Ericson is asking that the public hearing remain open because the Planning Board has some recommendations that they would like to make and any changes would emanate from the public hearing.

Mr. Ericson reviewed the two drafts received from the Ordinance Development Committee and the Planning Board. In section 6.13.1 they want to take another look at any vehicles stored in a residential

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district. He stated that the Planning Board wants to make a distinction between unregistered and uninspected vehicles. In section 6.13.2, they are trying to decide on what kind of commercial large vehicles will be allowed. They were looking at very large trucks that have dual rear axles. The ODC suggested the over 5 ton grossed combined weight and the Planning Board suggested that the gross vehicle itself not the combined weight is a better test over and they said 3.5 ton gross.

Mr. Richard Morin of 86 Log Road asked if a commercial Ford F150 vehicle weighs 6,450 lbs. which is less than the 7,000 lbs. and a crew cab would go well over 7,000 lbs. and are limiting it at 3 ½ tons for the type of vehicle you could have in your yard.

Mr. Ericson stated that the distinction for some vehicles can carry a

lot of weight, he expressed that why penalize for the combined weight when all you need is the dry weight. He also wanted to take a look at uninspected vehicles that are more than two years old or a vehicle with a valid inspection sticker and unregistered vehicles.

Mr. Zwolenski stated that they will have to work this out.

Mr. Ericson referred to Section 6.14 Parking, Storage, or Use of Major Recreational Equipment

In Section 6.14, Parking, Storage or Use of Major Recreational Equipment, referred to the a, b, and c section and they split up an existing section into and its component parts and every concept that was different got a new letter. In Section 6.15.1 Off-Street Parking Requirements, the major concept of the difference was that they tried to breakdown of every category that made useful sub-sections.

Mr. McGee asked whatever is on there now, is everyone grandfathered or not grandfathered. He asked for a multi-family, what if they don't have 1.5 spaces.

Mr. Ericson informed them that what this is doing is lowering the number of parking spaces. Currently it is at 2.0, so more people can have their needs met without having additional parking area and they don't have as much storm water run-off, so it is an additional benefit to an owner. He stated that if someone has only one space, then it

would be grandfathered and it would be from the date of the ordinance.

Mr. Ericson referred to Commercial Uses and went to splitting up Retail and service business with less than 20,000 square feet to more than 20,000 sq. ft. and industrial corporate offices and offices including medical and out-patient. The only thing that the Planning Board decided was that they should split office uses not including medical and out-patient. He stated that Public Assembly has changed because in some cases you have maximum use of legal capacity. For Institutions split into areas that were more appropriate to the individual categorization and mixed use is basically what it was before. He referred to page 3 and all of the uses were one parking space per 250 sq. ft. which is generally equivalent to four per 1000. For Section 6.15.2.1 that proper turn around space is allowed and the angle of aisle widths should allow cars to back up and turn around at the same time. For Section 6.15.2.4, the height is higher now, a difference from the original height. For Section 6.15.3 Off-street Loading Requirements and changed the Inspector to the Zoning Official. For the Planning Board suggestions, the only thing that changed was for All Other Uses, was one parking space per 250 sq. ft. of floor area or part thereof to what the ODC had done.

Mr. McGee asked if there is a new resident who is a contractor and has a few trucks and has tons of land and parking his trucks in his back yard, will that be a problem?

Mr. Ericson stated that for a case like that, they should build an exemption for back-yard parking or put it behind a screen.

Mr. Zwolenski commented and made a point that they want to work on the language between 3.5 tons and 5 tons on the weight issue.

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Mr. Ericson stated that the ODC wanted gross combined weight plus the cargo it carries, so the Planning Department said that because cargo weight can vary enormously and drive that number up, they decided to do it with the combined weight and they checked until they get to dual wheels (extra wide) in the rear, it stayed at or under 3.5 tons whatever was necessary to accommodate the size vehicles they intended to have.

Mr. McGee asked what do you do with the contractors that all have box trucks, do they have to get rid of them?

Mr. Ericson noted that not all box trucks necessarily go over that limit.

Mr. McGee asked what if they don't have the space in their yards? He commented that he is amazed that people come up with their own goals and they have to vote on them. What happens to the contractor

who has a small lot and he can't put it anywhere.

Mr. Ericson informed them that a 5 ton combined weight limit is what it is in the ordinance right now. That is the existing ordinance.

Mr. McGee commented that he is not in agreement of the law.

Mr. Ericson will go back and check it again and commented that if he needs to change the tonnage, he would.

Ms. Hamilton commented that they are looking at existing ordinances that they are trying to allow them to be more lenient so that they can accommodate people without having to impose unnecessary types of ordinances. When the ODC took a look at this, it wasn't for them to be more strict of what they could do, it was actually relieve those contractors who have big box trucks on their premises so they are not violating any ordinance.

Mrs. Charest commented that she sees Mr. McGee's frustration and stated that if it isn't broke, don't fix it. She asked why are we changing everything.

Mr. Ericson stated that if it was actually enforced, there would people who probably would not comply so what they are trying to do is to make it easier to understand and gives some more slack in that category.

Mr. Gary Ezovski of 88 North Main Street, asked where is the problem? He commented that almost any pick-up would probably pull probably in excess of 6,000 lbs., it is 3 tons all by itself. There are many dual wheel pick-up type vehicles that will have gross combination weights that go in the twenties and that they can pull some heavy weight and pulling recreational vehicles and boats. He does own a motor home and doesn't have a problem with parking and if asked if they want him to take it out of town, he would but do they want to tell residents to take their registered vehicles and put them somewhere else. He made the point that there is a financial effect of doing that. If they put it somewhere else, they can be registered somewhere else and that means no more tax revenue. He asked if they are thinking this through. He also was concerned about having a minimum of one space per 5 high school students for school facilities. It is reasonable to say that the high school can accommodate 600 students and that the minimum parking space would be 120 and he commented that to try to run that facility with 120 parking spaces and watch where the people park if you have any type of event. He agrees with the perspective that if it isn't broke, then don't fix it.

Mr. Ericson expressed that the Planning Board didn't want to confuse the issue and the whole assembly, they did dry weight of the vehicles so there would be no misunderstanding of what it is pulling and what is on that it is pulling, it would be the bare dry truck. He commented

that if there isn't a number there, then it would be a free for all and that there is a reasonableness factor of enforcement in these that they have to understand. He will go back to the ODC with comments.

Mrs. Charest asked when are the next meetings for the Planning Board and the ODC to set a continued date.

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Mr. Ericson stated that for the Planning Board it is September 6th and the 23rd of August for the ODC.

Mrs. Charest asked to put this on the agenda for the first meeting in October.

Mr. Ericson stated he understands the private part of it but commented that in the public part that they are reducing the number of parking spaces to a logical and effective level that saves the town on storm water management impacts and saves the new people for coming in and investing in the town and from putting in excessive parking.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee and voted unanimously on an aye vote to continue to October 1st.

PUBLIC HEARING ON ZONING ORDINANCE AMENDMENT RE:

GROUNDWATER AQUIFER PROTECTION OVERLAY DISTRICT

Mr. Ericson referred to the maps and reviewed the text in the ordinance and commented that most of the changes are for definitions and additions and the major thing that was added to the map is refinement of existing boundaries on the current map and the well head protection areas. The biggest change is the differentiation by zoning use. It provides protection and allows for economic investment in commercial and manufacturing.

Mr. Zwolenski recognizes one of the well head protection areas of being by the nursing home on Sayles Hill Road. That area was contaminated by leaking underground several years ago with storage tanks and asked what was going on there.

Mr. Ericson stated that he didn't know and the Department of Health regulates all of that and he is trying to protect what is there and he will look into it.

Mr. Ezovski commented that he is encouraged about hearing about the lot coverage referring to Section 6.19.10 Design and Operation Guidelines under C the maximum percentage of a lot coverage. He also commented that this is serious business with impact to people for the aquifer district and where the water should be protected but some of the dimensions that are being applied to are not smart. He feels that the process for review by other town boards or agencies

should be shorter than the forty-five (45) or thirty-five (35) days to get a process approved. He stated that they need to protect the ground water resources and he feels that the town should develop them.

Mr. Ericson appreciated Mr. Ezovski's comments and agrees that it was 1929 verbiage from old zoning ordinances and it is from years ago and is inappropriate for today.

MOTION by Mr. Zwolenski and seconded by Mr. McGee and voted unanimously on an aye vote 4-0 to continue the public hearing until October 15, 2012 on Zoning Ordinance Amendment Re: Groundwater Aquifer Protection Overlay District.

TRAFFIC SAFETY CONCERNS ON LAPRE ROAD AT GREAT ROAD

Mrs. Charest received comments from the Town Administrator, Ms. Hamilton at the last meeting that the local police department are looking at the issue and looked back and have not had an extensive amount of accidents there.

Ms. Hamilton indicated that probably over the last ten (10) years they have had a total of seven (7) accidents. It was recommended to be sent to traffic and they studied it for several days and made a recommendation to make it a one way. One thing that was suggested is to hold a public hearing to alert people in the area to the fact that this will be changing because it has been the same way for so many years and to make people aware that this will take place on a certain

date. She stated that she would leave it up to the town council of how they would want it communicated to the public.

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Mr. Nadeau commented that they probably wouldn't get anyone to show up if it wasn't part of a council meeting and suggested to have it as an agenda item and have more people know about it and attend.

Mrs. Bernier commented that she is pleased that they will be changing it to a one way. Her concern is the vegetation in that area and was told that the State should be taking care of it.

Mrs. Charest informed Mrs. Bernier that maybe she should contact the State directly.

Mr. Zwolenski agreed to go with her to the State if it was in the month of August.

Mrs. Charest requested that Mrs. Bernier gather her neighbors to attend the next town council meeting to inform them that there will be a change to the traffic pattern.

Mr. McGee asked if they could trim the area instead of waiting for the

State to come and trim the area.

Ms. Hamilton indicated that they did but would like the State to maintain it on a regular basis and stated that they will put it on the next agenda to inform the public of the change in traffic pattern and use the electronic sign.

SEPTIC/SEWER SYSTEM FOR ANDREWS TERRACE

Mr. McGee stated that there are five (5) ways of doing it. There are two ways that he feels are the best that takes care of most of the needs and the cost isn't that bad. The other way was to privately have it done by the residents themselves using their own money.

Ms. Hamilton indicated that it was due to the time limits of the response by DEM that they have run out of time. There were comments made that it is a private road tying into a private line. They would have to go out to bond and she indicated that it could be possibly six (6) months before they could begin, probably by next spring. The attorney for Andrews Terrace indicated that they have run out of time.

Mr. McGee asked if there is a \$20m bond that the town can use.

Ms. Hamilton responded by saying they have the ability to use up to \$21m that was approved by the residents. But for the town to go out to borrow additional money from that bond, they would have to go

out for bond again and have to wait until RI Clean Water goes out for an issue and that is where they get their money from having all of the municipalities pool their profits together and they go out and buy bonds and an interest rate is set from that. The last project was set at 1.99% but they don't know what they would get now and they usually go out twice a year, usually in the spring and the fall. It can cost \$30k to \$40k go to out for bond counseling.

Mr. McGee indicated that the cost would be approximately \$1.4m and that would cover all of Branch Village, one side of the street and the manholes would tie in Lil General and that is the cheapest way to do it. He stated that if they had a commitment and no stopping of anything, they would be happy to oblige.

Ms. Hamilton indicated because there are so few houses in that area, the cost would be well over \$40k. And there are houses on St. Paul Street on the river side that those residents will be receiving those same letters from DEM that they are discharging.

Mr. McGee is suggesting to just spend \$1m and feels it is a good project to do and to get some relief to those residents and do the village. He indicated that they won't develop anything in that area unless they have sewers.

Mrs. Charest asked that the Sewer Commission work together with the Administrator to come up with some type of plan.

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DRAINAGE CONCERNS AT 296 and 308 MECHANIC STREET

Ms. Hamilton indicated that they have reviewed Mr. Casali's, the engineer, his recommendations and will be taking care of those plantings in the fall that will be done as well.

APPOINTMENTS TO ZONING BOARD

There was none.

APPOINTMENTS TO JUVENILE HEARING BOARD

Ms. Hamilton nominated Mr. Jason Pise of 2 Briden Street to the Juvenile Hearing Board. This is a three-year term that expires 12/1/2013.

MOTION by Mrs. Charest, seconded by Mr. McGee and voted unanimously on an aye vote to approve Ms. Hamilton's appointment of Jason Pise to the Juvenile Hearing Board. This is the completion of a three-year term that will expire on December 1, 2013.

COST PROPOSAL FROM JOE CASALI ENGINEERING INC.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote with a recommendation from the Town

Administrator and town Planner to approve Joe Casali Engineering Inc., to continue as advisory to the town.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to give authorization to Ms. Hamilton to sign the contract.

1ST READING OF SALARIES AND WAGE ORDINANCE

MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to accept the wage ordinance as a first reading.

RESIGNATIONS FROM SEWER COMMISSION

Mrs. Charest would like to speak to the members of the sewer commission who resigned before accepting their resignations and would like to ask them to hold on until the next election.

Ms. Alves asked why did they resign.

Ms. Hamilton indicated that she spoke with Mr. Nordstrom and stated that he was very unhappy with the way the Lowe's calculations for the sewer assessment and sewer access fee. They were working on it at the time and everyone agreed the way the calculation was done. It wasn't correct for that type of free standing retail store. What was decided was what was appropriate so that they could provide consistency as more stores come onto the scene at Dowling Village

or anywhere else with the town. The calculation they used for Wal-Mart was OWTS's was the guideline of what they need to do in terms of how to calculate the (equivalent dwelling units) edus. And Wal-Mart was considered a mall because there are several stores within the confines of the store.

Mr. Nadeau explained how Wal-Mart was calculated. He stated that the administration, Mr. Carpenter and Mr. Wilcox determined that Lowe's should be treated as a retail store based on the number of employees. And there was a disagreement with some of the sewer commission members on that of whose responsibility it was to make that determination. The calculation was made by the administration in a different manner and expressed that it was unfortunate that the members resigned and didn't meet with Mr. Wilcox and getting his side of why the calculations came down the way it did.

Mr. McGee agreed with part of what was said, but commented that the administration went over their heads without consulting with the commission and feels that they should have had some say in it. He stated that they were never asked and was called into any meetings. They had no knowledge and were so upset about it.

Mr. Nadeau's understanding from a meeting they had was that Mr. Carpenter did inform him that Mr. DeCelles had been invited and responded that he was going to be present. All he knows is what he has been told.

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Mr. McGee expressed that he is shocked that the Sewer Commission nor the town council wasn't involved and the Sewer Commission felt that no one was listening to them anyway and having three good men that felt like they wasted their time. The sewer commission was working on the assessments and all of a sudden it was done.

Ms. Hamilton stated that it isn't done. They had a meeting to discuss what would be the best way of looking at the calculations. Mr. Carpenter and Mr. Wilcox explained their rationale in coming up with the calculations and they had to come to some agreement before they went before the Sewer Commission and Town Council. Mr. Carpenter and Mr. Wilcox both took a look, they talked to the people and held meetings and they came up with a decision based on guidelines and the laws that they have which are not good or maybe not fair and need to take a look at our ordinances and change them. She feels that the town isn't consistent at all when it comes to sewer projects. There are a variety of calculations. She feels that there should be a standard. They have looked at exactly of what it is and used the calculation.

Mr. McGee commented that they have been in business for 24 years

in the town and corporate America got a break right away and they have never received any help and feels discouraged that they have to use their own money to get a sewer line and because they can't get things done.

Mr. Nadeau commented that he feels that the sewer commission wanted to control a decision that is justly made by the administration.

He stated that there is separation between town council, commissions and administration and everyone has to respect those distinctions and the administration gets to do its job free from interference from the council and from the commissions. Mr. Wilcox is willing to discuss it with the sewer commission but he has the legal right under the Charter and the way our town is set up to make those decisions himself.

Mr. McGee commented that respect is working together with everyone.

Mr. Zwolenski feels that there should have been more dialogue and asked Ms. Hamilton that he wished that she would have brought this to the council and says that it isn't final.

Mr. Nadeau clarified that it is a calculation of the edus that Lowe's will be charged or the developer to be charged to run a lateral off the main that was brought down the road by the developer to the store. Mr. Wilcox and Mr. Carpenter worked together to come up with what

they determined to be the correct assessment of edus for Lowe's to be charged to run that lateral.

MOTION by Mr. Zwolenski, not to accept the resignations of the three sewer commission members at this time.

MOTION AMENDED by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 1 (Mr. McGee voted no) not to accept out of respect and retain their services and stay with the town for the three sewer commission members.

APPOINTMENT OF SEWER COMMISSION MEMBERS

Mrs. Charest asked Ms. Hamilton to hold this item.

Ms. Hamilton commented that if at some point there are new members that it is appointment by the council. It will have to be sooner than later if this matter does not get resolved and would like to get that back up and running.

TOWN COUNCIL RESOLUTION IN SUPPORTING LANDMARK MEDICAL CENTER

Mr. Zwolenski expressed his full support in maintaining Landmark Medical Center and wants to get a resolution drafted from the Town Council and have council members stop by the town clerk's office to sign it.

Mr. McGee was in total agreement and spoke about his own personal experience with them.

MOTION by Mr. Zwolenski, requests that the town of North Smithfield craft a resolution in support of Landmark Medical Center and have Mr. Nadeau, the town solicitor draft the verbiage to the resolution and

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left at the Town Hall so members of the town council can sign the resolution.

Mr. Nadeau's concern is that they would be voting on something they haven't seen.

Mr. Zwolenski doesn't see any problems since Mr. Nadeau has created resolutions in the past on behalf of the town council.

Mr. Nadeau prefers having the town council see the draft before they vote on it and sign it.

Mr. Zwolenski withdrew his motion.

MOTION by Mr. Zwolenski,seconded by Ms. Alves to support Landmark Medical Center and would like to draft a resolution. There was no vote taken.

Mr. Nadeau asked if he wanted it to support the hospital or support the purchase by Steward, or do they want to support its fight against Blue Cross or all three. He asked them what do they want the resolution to say.

Mr. Zwolenski replied that yes to the purchase but it doesn't have to be Steward and supporting Blue Cross in its negotiations and acknowledge the fact that northern Rhode Island residents and that their care is being paid for at a lower level, than what the Lifespan and Providence hospitals are getting and having Blue Cross negotiate and having fair and equitable reimbursement rates to all parties.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted 3 to 1 (Mrs. Charest abstained) on a roll call vote to have the town solicitor, Mr. Nadeau draft a resolution in support of Landmark Medical Center.

DEVELOPING WRITTEN PROCEDURE FOR APRA REQUESTS PURSUANT TO AMENDMENTS TO LAW

Mr. Nadeau explained that this was done in response to the Public Records Act that was amended with the amendments being as of September 1, 2012 that each city and town is now required to have a written procedure as to how the town deals with public record requests. He drafted a procedure but they didn't need to act on it tonight but wants them to review it. He asks if anyone has questions,

to contact him individually and the other provisions of the amendment requires that by January 1, 2013, that the town certifies to the State that there are people who are trained in responding to access the public records requests. He indicated that he can contact the Attorney General's office and provide a training session to the town between now and January 1, 2013 to certify that they have complied with the law.

AWARD OF BID FOR NEW BOILER FOR TOWN HALL

Mr. Ericson indicated that it was put out for bid and they had one bid from Phil Paul Plumbing and Heating for \$13,750.00. He explained that the major issue is that it is being paid for by their federal grant for energy conservation and it had to meet their federal ARRA guidelines and it had to be an American made Weil McLain gas boiler. He expressed that it is a high efficiency boiler.

Mr. McGee asked if they could look at another boiler brand namely the Prestiege?

Ms. Hamilton indicated that Phil Paul's Plumbing and Heating was the only one who responded to those particular specifications and have grant money to do it to the town and that they have a deadline and that money has to be utilized or it has to be returned back.

Mr. McGee feels that the chamber is a little better in the Prestiege model.

MOTION by Mr. Zwolenski, seconded by Mr. McGee and Ms. Alves and voted unanimously on an aye vote to award the purchase and installation of the gas boiler for the town hall to Phil Paul Plumbing and Heating for \$13,750.00.

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MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee and voted unanimously on an aye vote to authorize the Town Administrator Ms. Hamilton to sign the contract with Phil Paul Plumbing and Heating.

SCHEDULING PUBLIC HEARING DATE FOR SLATERSVILLE HISTORIC DISTRICT MAP

Mr. Ericson indicated that this is the same map they had previously except the date would have run out on November 30, 2012 and changed that date to November 30, 2014 and they would like to extend it and bring in the Congregational Church in, however that should emanate from the public hearing not from the initial map and the Town Clerk already has the abutters list for the previous round and he would like to get this done fairly quickly so they don't get to the November 30th 2012 and not have finished their second reading.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and voted unanimously on an aye vote to hold the Public Hearing on Tuesday,

September 4, 2012.

MOTION by Ms. Alves, seconded by Mr. McGee and voted unanimously on an aye vote to adjourn at 9:08.

Respectfully submitted,

Patricia A. Paul, Deputy Town Clerk